

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TIFFANY T. SPENCER

PLAINTIFF

v.

CAUSE NO. 1:23-cv-223-LG-RPM

**NEWREZ, LLC d/b/a
SHELLPOINT MORTGAGE SERVICING;
BANK OF NEW YORK MELLON, Indenture
Trustee, for WIMC Capital Trust 2011-1;
JOHN DOES 1–10**

DEFENDANTS

ORDER GRANTING [32] MOTION TO DISMISS

Defendant Newrez LLC, doing business as Shellpoint Mortgage Servicing (“Shellpoint”) seeks dismissal of the [30] Amended Complaint. The Court grants this motion for the reasons stated on the record at the hearing held in this matter on May 13, 2025. The Court also finds the Amended Complaint amounts to a shotgun pleading, which violates Federal Rule of Procedure 8(a)(2). *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–58, 570 (2007)); *Strategic Income Fund, L.L.C. v. Spear, Leeds & Kellogg Corp.*, 305 F.3d 1293, 1295 (11th Cir. 2002) (“The typical shotgun complaint contains several counts, each one incorporating by reference the allegations of its predecessors, leading to a situation where most of the counts (i.e., all but the first) contain irrelevant factual allegations and legal conclusions.”).

IT IS THEREFORE, ORDERED AND ADJUDGED that Shellpoint’s [32] Motion to Dismiss is **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that Tiffany T. Spencer's [30] Amended Complaint is **DISMISSED WITHOUT PREJUDICE**. The plaintiff is granted leave to file a second amended complaint within thirty days of this Order.

SO ORDERED AND ADJUDGED this the 13th day of May, 2025.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.

UNITED STATES DISTRICT JUDGE